



Docket No. 8048-1036
Appln. No. 10/760,365

REMARKS

The application has been amended and is believed to be in condition for allowance.

Applicants acknowledge with appreciation the indication that claims 6-7, 10, and 12 are directed to allowable subject matter.

There are no formal matters outstanding.

Claims 1-5, 8-9, 11, and 13-17 were rejected as obvious over KURODA et al. 6,611,902 in view of DINKER et al. 2003/0131041.

The independent claims have been amended to clarify the first recitation of each of these claims. New claim 18 has been added to recite a further feature of the fourth memory device.

Each of the independent claims is believed allowable as being non-obvious over the prior art. Each of the dependent claims is believed allowable at least for depending from an allowable claim and therefore the recitations contained therein need not be addressed with more specificity.

The amendment of claim 1 is supported in the specification, [0037], and for that reason there is no addition of new matter.

According to claim 1, the first program includes a command to execute other programs and is executed when the information processing apparatus starts. As a program to be

executed in accordance with the command in the first program, on the basis of the first state information, either one of the second program and the backup program is selected by the first selection device.

Therefore, it is possible to maintain the operation of the apparatus, by automatically executing a backup program or a default program, on the basis of an automatic judgment even in the case that first program such as a boot loader, an operating system, does not run properly ([0009]).

KURODA does not disclose such aspect of a program. This difference makes a difference of each effect between KURODA and applicants' invention. Therefore, applicants' invention does not result even if DINKER is taken into consideration.

Amended claim 1 discloses sufficiently the distinctive feature of the present invention different from any of the cited references or the combination thereof, and that the advantage derived from the distinctive feature of the present invention cannot be achieved by the combination of the aforementioned cited references. Thus, applicants' invention would not have been obvious to a person having ordinary skill in the art at the time of its invention.

Claims 16 and 17 are amended as per amendment of claim 1.

Thus, the rejections under 35 USC §103 should be withdrawn for each independent claim.

The addition of claim 18 is supported in the specification, [0117], and for that reason there is no addition of new matter. Additionally, claim 18 depends from amended claim 1 which would be allowable for the reasons mentioned above.

Thus, claim 18 should be allowable.

Additionally, according to claim 18, the fourth memory device holds the content of the first state information through a restarting process of the information processing apparatus. It is possible to be judged whether or not the previous execution of the first program is proper, on the basis of the content of the first state information held by the fourth memory device. Therefore, the first program capable of running properly is accurately distinguished ([0123]).

As discussed above in detail, all of the outstanding objections are respectfully requested to be withdrawn and the present application is now believed to be in condition for allowance.

Should there be any remaining outstanding issues that can be resolved telephonically, it is requested that the undersigned attorney be contacted.

Applicants believe the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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